

## REMARKS

In accordance with the foregoing, claims 12, 15, 24, and 29 have been amended, claims 13-14 have been cancelled, and new claims 31-33 have been added. Claims 12, 15-27, and 29-33 are pending and under consideration.

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

Applicants have timely filed a Request for Continued Examination (RCE) along with this Amendment, including the filing fee as set forth in 37 CFR 1.17(e). Accordingly, Applicants respectfully request that the Examiner withdraw the finality of any Office action and enter this Amendment for consideration under 37 CFR 1.114.

### CLAIM REJECTIONS UNDER 35 U.S.C. §103

Claims 12-14 and 29 are rejected as allegedly being rendered obvious by U.S. Patent Application Publication No. 2003/0161343 to Ghosh (hereinafter "Ghosh") in view of U.S. Patent Application Publication No. 2009/0093243 to Lee et al. ("Lee").

The independent claims have been amended to clarify that the subscriber stations take the measurements of the common channel and transmit these measurements to the base station so that the measurements are made available to the base station. Thus, based on measurements taken in the subscriber stations and made available to the Node B (base station) as to which particular subscriber station(s) have a bad quality of transmission, the CRNC can determine the measures to be taken to improve the quality of transmission.

Neither of the cited prior art references teach or suggest this feature.

Ghosh relates to a method for selecting a most suitable logic channel for transmitting packet data. Ghosh does not disclose transmitting from the base station a first message to a controlling radio network controller allocated to the base station when the measurements show that the transmission quality does not meet a defined criterion, as required by the present invention. Nor does Ghosh disclose that measurements of transmission quality of the common channel are taken in the subscriber stations for each of the subscriber stations and made available to the base station.

For example, in paragraph [0026] and Fig. 2 of Ghosh, it is stated that the UE (subscriber station) sends a measurement report message to an RNC via a source node B. However, the measurement report message includes queue size information and QoS requirements of the packets accumulated at the UE, not information as to the actual QoS and whether the QoS

meets those requirements. Furthermore, no measurements, whether of transmission quality or otherwise, are made available to the Node B (base station). The measurements are either sent via the Node B in a message to the RNC or they are computed by the Node B itself.

This is in contrast to the independent claims, which require that the subscriber station makes channel quality measurements and transmits these measurements to the base station so that they are made available in the base station.

Therefore, one of ordinary skill in the art looking to improve resource location by measuring transmission quality and taking account of how radio conditions for individual subscriber stations appear would not consult Ghosh, since Ghosh is concerned with finding the most suitable channel for transmitting data based on the quality requirements of the data, whereas the independent claims recite measuring the transmission quality of the common channel itself.

Furthermore, the cited prior art reference Lee does not provide any hint or suggestion as to the independent claims.

Lee relates to a method of updating a radio link parameter. In this document, it is disclosed that the node B internally measures radio environment or monitors status of user data transmission. If it is the end of an update period or the parameter indicating the state of the radio link exceeds a certain threshold value, the node B initiates updating of the HS-DPCCH related parameter. The node B sends the HSDPA related parameter value that is to be updated to the RNC.

It is therefore clear that in Lee it is the node B itself which performs the measurement of the radio environment, not the subscriber station. Again, this is in direct contrast to the independent claims, in which the subscriber station takes transmission quality measurements of the common channel and transmits these measurements to the base station so that they are made available in the base station.

In conclusion, since Ghosh does not disclose taking measurements of the transmission quality itself, let alone making these measurements available to the base station, and Lee does not disclose that the subscriber station takes measurements of transmission quality, it cannot sensibly be argued that one of ordinary skill in the art would be able to combine Ghosh and Lee and arrive at the independent claims, including new independent claims 32-33.

Claims 15-27 and 31 are patentable at least by inheriting patentable features from independent claim 12 from which they depend.

Claims 30 patentably distinguishes over Ghosh and Lee at least by inheriting patentable features from independent claim 29 from which claim 30 depends.

Claims 15-27 and 30 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Ghosh in view of Lee, and further in view of U.S. Patent Application Publication No. 2005/0239460 to Kroth et al. ("Kroth").

Kroth does not correct or compensate for the above identified failure of Ghosh and Lee to render obvious all the features recited in amended independent claims 12 and 29. Therefore claims 15-27 and 30 patentably distinguish over Ghosh, Lee, and Kroth.

### CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

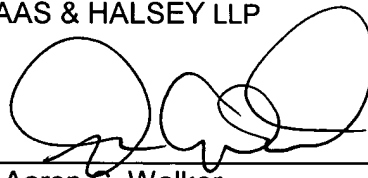
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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